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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EARL HARRELL SIMS II,

Defendant.

No.: CR 08-0443 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME**

On December 24, 2008, the parties in this case appeared before the Court for identification of counsel. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from December 24, 2008, through January 14, 2009, for effective preparation of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best

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STIP. & ~~PROPOSED~~ ORDER EXCLUDING TIME
CASE NO. CR08-0443 MMC

1 interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

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4 JOSEPH P. RUSSONIELLO
5 United States Attorney

6 DATED: December 29, 2008

7 /s/
OWEN P. MARTIKAN
Assistant United States Attorney

8 LAW OFFICES OF STEVEN SHAIKEN

9 DATED: December 29, 2008

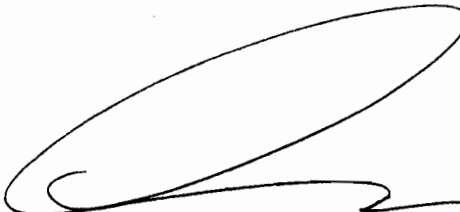
10 /s/
STEVEN SHAIKEN
11 Attorney for Defendant Earl Harrell Sims II

12 ~~PROPOSED~~ ORDER

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14 As the Court found on December 24, 2008, and for the reasons stated above, an exclusion
15 of time from December 24, 2008, through January 14, 2009, is warranted because the ends of
16 justice served by the continuance outweigh the best interests of the public and the defendant in a
17 speedy trial. *See* 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance
18 would deny defense counsel the reasonable time necessary for effective preparation, taking into
19 account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.
20 §3161(h)(8)(B)(iv).

21 SO ORDERED.

22
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24 DATED: 12/30/08

25 
~~HON. JAMES LARSON~~ EDWARD M. CHEN
United States Magistrate Judge